

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA

Margaret Palcko,	:	Civil Action
Plaintiff	:	
	:	
v.	:	
	:	
Airborne Express, Inc.,	:	No.: 02-CV-2990
Defendant	:	
	:	

ORDER

AND NOW this day of , 2002, upon consideration of Plaintiff's Renewed Motion to Enter Default Judgment Against Defendant Airborne Express, Inc., and any response thereto, it is hereby ordered that Plaintiff's motion is **GRANTED** and **JUDGMENT BY DEFAULT** is entered against Defendant Airborne Express, Inc.

BY THE COURT:

Hon. Jay C. Waldman, U.S.D.J.

**UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

Margaret Palcko,	:	Civil Action
Plaintiff	:	
	:	
v.	:	
	:	
Airborne Express, Inc.,	:	No.: 02-CV-2990
Defendant	:	
	:	

**_____ PLAINTIFF’S RENEWED MOTION TO ENTER DEFAULT JUDGMENT
AGAINST DEFENDANT AIRBORNE EXPRESS, INC.**

Plaintiff, Margaret Palcko, by and through her attorneys, hereby moves the Court to enter default judgment against defendant Airborne Express, Inc. for the reasons set forth in the Memorandum of Law in Support of Plaintiff’s Answer to Defendant Airborne Express’ Motion to Dismiss Plaintiff’s Complaint, filed contemporaneously with this Motion, which is incorporated herein by reference as if set forth at length.

SPRAGUE & SPRAGUE

BY: _____
David L. DaCosta, Esquire
Joseph J. McAlee, Esquire
The Wellington Building
135 So. 19th Street, Suite 400
Philadelphia, PA 19103
(215) 561-7681

Dated: October 18, 2002

**UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

Margaret Palcko,	:	Civil Action
Plaintiff	:	
	:	
v.	:	
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Airborne Express, Inc.,	:	No.: 02-CV-2990
Defendant	:	
	:	

**MEMORANDUM OF LAW IN SUPPORT OF
____ PLAINTIFF’S RENEWED MOTION TO ENTER DEFAULT JUDGMENT
AGAINST DEFENDANT AIRBORNE EXPRESS, INC.**

On July 26, 2002, plaintiff’s counsel filed a motion for entry of default judgment against defendant Airborne Express, Inc. for failure to answer plaintiff’s Summons and Complaint. On August 15, 2002, this Honorable Court issued an Order denying plaintiff’s motion “without prejudice to renew upon a showing that service on Mr. McTague was effective. ...” As set forth at length in the Memorandum of Law in Support of Plaintiff’s Answer to Defendant Airborne Express’ Motion to Dismiss Plaintiff’s Complaint, incorporated herein by reference, which is being filed contemporaneously with this motion and which is relied upon in support of this motion, service upon Mr. McTague was indeed effective service upon defendant – the fact of which defendant wilfully attempted to conceal from this Court.

WHEREFORE, for all the foregoing reasons, plaintiff respectfully requests the Court to enter default judgment against defendant and to grant such other relief as the Court deems appropriate.

SPRAGUE & SPRAGUE

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CERTIFICATE OF SERVICE

I, David L. DaCosta, Esquire, hereby certify that a true and correct copy of the foregoing **Plaintiff's Renewed Motion to Enter Default Judgment Against Defendant Airborne Express, Inc.** was served this day on the person(s) indicated below by hand delivery:

Sharon M. Erwin, Esquire
Law Offices of Sharon M. Erwin, L.L.C.
3130 West Penn Street
Philadelphia, PA 19129

Counsel for Defendant Airborne Express, Inc.

David L. DaCosta

October 18, 2002